

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA LLC d/b/a IXO;

Plaintiff,

v.

ACTIAN CORPORATION and PERVASIVE
SOFTWARE, INC.,

Defendants.

Case No. 6:15-cv-00463-RWS-JDL

**DECLARATION OF GERALD PADIAN IN SUPPORT OF PLAINTIFF REALTIME
DATA LLC'S OPPOSITION TO DEFENDANT ACTIAN CORPORATION'S
MOTION TO TRANSFER VENUE**

I, Gerald Padian, declare and state as follows:

1. I have personal knowledge of all matters set forth in this declaration, and if called upon to do so, could and would testify truthfully to them.

2. I am a member of the Board of Directors of Realtime Data LLC d/b/a IXO. ("Realtime"). I reside in Katonah, New York.

3. I have personal knowledge regarding, *inter alia*, Realtime's claims and defendants' defenses and counterclaims in this and prior litigation concerning the patents-in-suit, ownership of the patents-in-suit, licensing of and other attempts to commercialize the patents-in-suit, Realtime's patent licensing policies, and Realtime's financial information that will likely be relevant to damages issues.

4. I understand that Realtime filed the above-captioned action the United States District Court for the Eastern District of Texas, Tyler Division, in May 2015, and that Defendant Action Corporation ("Action") has filed a motion to sever and transfer certain claims to the Northern District of California ("N.D. Cal.").

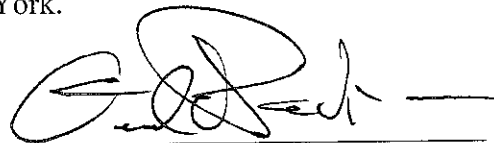
5. I understand that the Court will consider my convenience in connection with its decision on the pending motion to transfer. As such, I make this declaration to indicate that it would be more convenient for me for the action proceed in Texas and not in N.D. Cal., as I will not be inconvenienced by travel to Texas to appear as a witness at trial.

6. If asked to testify in Tyler, Texas, I would be willing to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 4, 2015 at Katonah, New York.

By:

A handwritten signature in black ink, appearing to read "G. Padian", followed by a horizontal line.

Gerald Padian